Principles for Implementing the Right to Academic Freedom

IN 2020, THE UN SPECIAL RAPPORTEUR on the promotion and protection of the right to freedom of opinion and expression issued a report summarizing the protection of academic freedom under international law.[1]

A Working Group on Academic Freedom (WGAF), drawing on expertise from around the world, was formed to continue that work and specifically to encourage strengthening of monitoring and protection mechanisms for academic freedom across all levels and mechanisms of the United Nations, including among UN offices and systems, as well as among UN Member States. Over a period of twelve months, the working group drafted these 'Principles for Implementing the Right to Academic Freedom,' inviting input and consultation from a wide range of stakeholders interested or engaged in the protection of academic freedom. The draft Principles were then widely distributed with a public comment period open from March 2023 to January 2024. Over this same period members of the WGAF presented the draft Principles in private and public meetings, conferences, and association gatherings, including especially meetings of UN treaty bodies and a side event at the UN Human Rights Council's 53rd session in June 2023. The working group is grateful for the many comments and supportive statements received, including from dozens of international experts, including UN Special Procedures, UNESCO officials, and UN Member State representatives.

These Principles have since been translated from English into Arabic, Chinese, French, Russian, and Spanish and disseminated widely for comment and use in promoting greater recognition and more effective implementation of the right to academic freedom.

[1] Kaye, D. (2020). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. A/75/261 (Kaye, D (2020)). https://www.undocs.org/A/75/261

Introduction

Academic freedom is essential to quality teaching, research, innovation, and the production, dissemination and application of knowledge. It safeguards society's capacity for self-reflection, knowledge generation, and a constant search for improvements of people's lives and social conditions, and as such is essential to democratic self-governance and human rights.[2] It is protected by existing international human rights standards and international education principles, as well as the constitutional or domestic law of most states. In 2020, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression prepared a report summarizing the protection of academic freedom under international law.[3]

Building on that report, the following principles articulate nine essential aspects of the right to academic freedom. These are grounded in established UN legal standards, recommendations, reports, and statements, as well as regional human rights instruments, and informed by available data and reporting on violations or threats to academic freedom and expert commentary. The principles are summarized as:

Principle 1: Academic freedom is the right to develop knowledge and ideas

Principle 2: Academic freedom is protected by international human rights law

Principle 3: Academic freedom requires autonomy of institutions

Principle 4: Academic freedom includes intramural and extramural expression

Principle 5: Academic freedom requires access to information

Principle 6: Academic freedom requires freedoms of movement and association

Principle 7: Academic freedom is essential to all levels of education

Principle 8: Students have the right to academic freedom

Principle 9: Respect for, protection of, and promotion of academic freedom is a shared responsibility

When fully implemented, these principles would substantially guarantee protection, promotion, and enjoyment of the right to academic freedom.

Appendix 1 provides considerations to assist UN and other stakeholders in assessing levels of implementation in context, whether by desk review of reports and media, country or site visits, expert assessments, or a combination of methods.

Appendix 2 provides practical guidance which states, education systems, ministries, institutions, staff and student unions could undertake or propose to improve implementation of the right to academic freedom in practice.

[2] Kaye, D. (2020) at para. 54.
[3] Kaye, D. (2020).

Principle 1

Academic freedom is the human right to acquire, develop, transmit, apply, and engage with a diversity of knowledge and ideas through research, teaching, learning, and discourse.

a. Protection for academic freedom must include the **freedom to access, disseminate and produce information; think; and develop, express, apply and engage with a diversity of knowledge** within or related to one's expertise or field of study, regardless of whether it takes place inside the academic community ("intramural expression") or outside the academic community, including with the public ("extramural expression").

b. Protection for academic freedom must also include inquiry, expression or other activity or conduct related to the **conditions, actions, or policies** of academic, research, or teaching institutions, regardless of whether it takes place within or outside the academic, research, or teaching sector, including with members of the public.

Principle 2

Academic freedom is protected by existing international human rights standards and international education principles.

a. Full respect for the right to academic freedom requires states to show **adequate frameworks in law, policy, and practice** to ensure respect for and protection, promotion, and enjoyment of the right. Such frameworks should guarantee academic freedom protection in law and policy (*de jure* protection) as well as in practice (*de facto* protection).

b. Such frameworks should be **consistent with international obligations** under, among others, the UDHR, ICCPR Article 18 (thought, conscience, and religious belief) and 19 (opinion and expression), and ICESCR Article 13 (right to education), 15(1) (right to participate in cultural life and to enjoy the benefits of scientific progress and its applications), and 15(3) (freedom indispensable for scientific research and creative activity), as further articulated in UNESCO recommendations including the Recommendation concerning the Status of Higher-Education Teaching Personnel (UNESCO RSHETP, 1997), and the Recommendation on Science and Scientific Researchers (UNESCO RSSR 1974, 2017), among others.[4]

c. **Limitations or restrictions** on academic freedom, if any, must be consistent with international obligations, especially those under ICCPR Article 19 (restrictions shall only be such as are provided by law and are necessary for respect of the rights or reputations of

[4] Other UNESCO recommendations having relevance to academic freedom include the Revised Recommendation concerning education for international understanding, cooperation and peace and education relating to human rights and fundamental freedoms; the Recommendation concerning the Status of Teachers; the Recommendation on Open Educational Resources (OER); Recommendation on Open Science; and the Recommendation on the Ethics of Artificial Intelligence.

others or for the protection of national security or of public order (ordre public), or of public health or morals) and ICESCR Article 4 (only such limitations as are determined by law, compatible with the nature of these rights, and solely for the purpose of promoting the general welfare in a democratic society).

d. In times of **war, armed conflict, civil unrest, or emergency**, respect for academic freedom requires scrupulous adherence to human rights and humanitarian law principles by all parties, including strict prohibition on the targeting of civilian objects, including schools, universities, and educational facilities under normal educational uses, as well as prohibition on any disproportionate harms to such facilities or personnel that might result from otherwise permissible military action.

Principle 3

The protection, promotion, and enjoyment of academic freedom require the autonomy of academic, research, and teaching institutions.

a. States and education leaders must ensure the **security and integrity** of education institutions and persons, while refraining from militarization, surveillance, or other measures which undermine academic freedom and autonomy.

b. Laws, policies and practices concerning the appointment, tenure and removal of institutional education leaders, oversight boards, and governing councils must respect the **principle of self-governance**, which is an essential component of autonomy.

   i. Laws, policies, or practices which **threaten or impose sanctions** on education institutions or leadership based on the content of academic research, teaching, or discourse alone should be presumed suspect, and must be subject to rigorous evaluation of their intent and application.
   ii. **State authorities**, including executive and legislative officials, and members of oversight boards and governing councils, should never sanction or threaten to sanction education institutions or their leadership, including by removing leadership from office or withholding or threatening to withhold or reduce budgetary allocations or other resources or privileges, based on the content of academic research, teaching or discourse alone.
   iii. **Institutional leadership**, including presidents, rectors, chancellors and vice chancellors, department chairs or deans, directors of centers or programs, or supervisors should never sanction or threaten to sanction academic, research or teaching staff, including by removing them from their posts or withholding or threatening to withhold resources or privileges, based on the content of academic research, teaching, or discourse alone.
   iv. Good faith assessments of the **quality of academic work** do not violate academic freedom or autonomy when made by education professionals of similar expertise within the same education community and according to professional and ethical standards of the subject discipline.

c. **Systems of financing academic, research, and teaching** institutions, programs, and positions, whether public or private, not-for-profit or for-profit, must safeguard academic freedom and institutional autonomy from undue influence, pressure, restrictions, or retaliations by public or private sources of financial support, including state ministries and research foundations, private donors and foundations, and commercial or business interests. Safeguards should include laws, regulations, or policies defining conflicts of interest, provisions for their reporting and public disclosure, and possible prohibitions, where appropriate.

d. **Systems of public accountability** for funds or other privileges entrusted to education institutions—whether public or private, not-for-profit or for-profit—must be implemented with due respect for institutional autonomy and self-governance, consistent with the standards articulated by these Principles.

   i. Systems of accountability which allow actors outside the education sector to control, sanction, or privilege the content of teaching, research or discourse are suspect and likely to fail to meet minimum acceptable standards of autonomy.

   ii. Acceptable systems of accountability should provide for the recusal or removal of any authority with actual or apparent responsibility over education budgetary allocations, resources or privileges, which imposes sanctions or threatens to impose sanctions based on the content of research, teaching, or discourse alone.

   iii. Systems for accountability involving registration, licensing or accreditation of educational institutions must be fair and transparent and must respect the principle of educational choice, including the liberty of individuals to establish, direct or choose educational institutions other than those established by the public authorities (so long as these conform to such minimum standards as appropriately laid down by the State, in accordance with international standards) and to ensure the religious and moral education of their children in conformity with their own convictions.

e. Rules and practices for **appointment, hiring, conditions of work, admissions, promotion, tenure and retention, and expulsion or dismissal** of institutional leadership, administrative and academic, research and teaching staff, and students must be free from political or outside interference, including commercial, religious, or ideological, and free from discrimination, accepting that measures designed to remedy exclusion or underrepresentation of traditionally marginalized persons or groups shall not be deemed to constitute discrimination.

   i. **Appointment practices for leadership** should be democratically legitimate as required by the principle of shared governance.
   ii. **Rules and practices for staff and students** should be developed through consultation and dialogue with staff and student unions or other representatives.

iii. Systems of **tenure or other functional equivalents,** which provide stability and security in employment over time, can help safeguard autonomy and academic freedom and should be encouraged. When such systems are present, they should be examined for their effectiveness in protecting academic freedom.

f. Rules and practices for determining **academic, research, and teaching content**, **curricula, and materials** must be free from political or outside interference or discrimination.

i. Academic, research, and teaching staff should enjoy professional freedom, commensurate with their qualifications and expertise, to judge, select, and deploy teaching materials, aids, and methods.

g. **Staff and student unions** and associations must be allowed to form and operate without political or outside interference, and any state support for unions or associations must be granted without ideological or other discrimination. Elections, appointments, or transitions in union leadership must be transparent and be free from institutional, political, or outside interference, surveillance, or intimidation.

h. Autonomy should not be used by education institutions as a pretext to limit the exercise of academic freedom, including by punishing staff or students for the content of their research, teaching, or discourse, or the right of education staff or students to express freely their opinions about the institutions or systems in which they work.

Principle 4

Academic, research, and teaching staff and students have the right to engage in expression and discourse with persons and groups inside and outside the academic, research and teaching sector.

a. In the context of academic freedom, **social responsibility** is the duty to exercise and enjoy academic freedom, consistent with the obligation to seek truth and impart information according to ethical and professional standards, and to respond to contemporary problems and needs of all members of society.

b. Academic, research, and teaching staff and students have a right and social **responsibility to engage with the public** by sharing the content of research, teaching or discourse developed within the education sector, including through academic and non-academic publications, public testimonies, print and online media, radio, television, exhibits, demonstrations and other events.

c. Efforts by state officials to propagate, disseminate, or otherwise deliberately support **false or misleading information**, including deliberate use of distorted or out of context research, data, evidence, or professional opinions, constitute interference with public intellectual engagement and academic freedom.

Principle 5

Enjoyment of academic freedom requires respect for the right to information, sources of information, and the tools, materials, and methods necessary to gather, develop, interpret, and share information and ideas.

a. **Systems for authorization of access to information archives**—whether public or private, not-for-profit or for-profit—including access to national, cultural, or other archives, or similar unique repositories of information and records, must be transparent and equitable. Limitations of access must be provided by law, regulation, or policy, necessary and proportionate to achieve legitimate objectives, and consistent with these Principles.

   i. Such systems should not be imposed for reasons of political or outside interference with research, but where necessary to **preserve information**, sources, tools, methods and materials to ensure their long-term availability to academic, research, and teaching staff, students or the public.
   ii. Acceptable systems for authorization of access should provide for the **recusal or removal** of any authority with actual or apparent responsibility over access to information or materials who limits or threatens to limit access for reasons of political or outside interference.
   iii. **For-profit or commercial systems** limiting access to information, including through copyright, subscription, fees, or licenses which are unduly restrictive or burdensome can undermine academic freedom, while open access systems and resources, copyright exemptions for academic purposes, and public benefit exceptions may strengthen academic freedom.

b. **Restrictions on access to personal information** of individuals, including personally identifiable health, employment, or financial information or communications, including emails and text messages, that are necessary to protect the individual's privacy do not violate academic freedom.

Principle 6

Enjoyment of academic freedom requires freedoms of movement and of association.

a. States are obligated to respect, encourage and develop **international contacts and cooperation** among academic, research and teaching staff and students, including through international gatherings, collaborative projects, travel abroad, the use of internet or video-conferencing systems, and supportive visa legislation and policies.

b. Notwithstanding a state's authority to regulate entry into and movement out of and within territories under its control, **restrictions on movement,** including restrictions on entry, exit, return after exit, or right to remain, which intentionally punish, deter, or impede research, teaching or discourse of academic, research, and teaching staff and students, or otherwise

sanction a member of the education sector for their exercise of protected rights, undermine academic freedom.

Principle 7

Academic freedom is essential to all levels of education, from early childhood through adult education, and all types of academic research and teaching institutions.

a. Considering the right to education as encompassing a right to life-long learning, the protection of academic freedom requires understanding of the interdependence of all levels of education, from early childhood through higher education, including vocational training.

   i. Policies and practices that recognize the interdependence of educational levels and promote academic freedom at all levels strengthen academic freedom.
   ii. Policies and practices that deny or unduly restrict, impede, or prohibit the exercise of academic freedom by academic, research or teaching staff or students at all levels, undermine academic freedom.

Principle 8

As members of education communities students have the right to academic freedom.

a. States are obligated to **respect, protect, and promote the academic freedom of students**, as members of education communities or in their individual pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law.

b. Students under the age of maturity possess the full range of human rights, even while recognizing possible differences in the exercise of rights consistent with the evolving nature of their capacities. The fulfillment of these rights is strengthened by ensuring quality teacher training, pedagogy fostering critical spirit and thirst for inquiry, quality academic content, and ongoing research, all of which depend on conditions of respect for academic freedom and autonomy.

c. Threats to, or violations of the rights of students and organized student groups, including by means of suspensions and expulsions; arrests and prosecutions; imprisonments and violence; infiltration, surveillance, interference with or dissolution of student associations, unions, and assemblies, by state and non-state actors, undermine academic freedom.

d. States and education institutions should make efforts to ensure equitable access to all levels of education, including by taking measures to ensure that entry to and successful participation in educational activities are not subject to discrimination on grounds of race, colour, sex, gender, language, religion, political or other opinion, national or social origin, economic condition, birth, disability or other cultural or social distinctions. Such measures should include active facilitation of access for members of traditionally underrepresented

groups, including indigenous peoples, cultural and linguistic minorities, economically or otherwise disadvantaged groups, and those with disabilities, to foster inclusivity and diversity within education institutions.

Principle 9

The State has a prime responsibility and duty to protect, promote and fulfill all human rights, including academic freedom. Everyone has a right and responsibility, individually and in association with others, to respect, promote and strive for the protection and realization of human rights and fundamental freedoms, including academic freedom, at the national and international levels.

a. **States, state officials, departments, and agencies,** including ministries of research, higher education, and education, as well as police, army, and security services, and their management personnel have **prime responsibility and duty** to respect, protect, and promote human rights and fundamental freedoms, including academic freedom, within their territory, jurisdiction, and authority, including by adopting such legislative, administrative, and other steps as may be necessary.

b. **Individuals, groups and associations,** including education systems, institutions, associations, and their management personnel, education professionals and their organizations, students and student organizations, families of students and their associations, business enterprises, religious and cultural bodies, non-state armed groups, political parties and media, among other members of civil society, share responsibility to promote respect for and knowledge of human rights and fundamental freedoms, including academic freedom, at the national and international levels.

c. The higher education sector, given its unique role in knowledge production and dissemination, has a special responsibility for the protection and promotion of academic freedom and for fostering broad, public understanding of the right and its importance. Higher education institutions, associations, leaders, staff, and students should take special care to ensure full implementation of the right through their scholarship and teaching, as well as in their engagements with faculties, departments, schools, institutions, unions and associations.

Appendix I

Assessing implementation of the right to academic freedom

The following table provides considerations for stakeholders assessing implementation of the right to academic freedom in context, whether by desk review of reports and media, country or site visits, expert assessments, or a combination of methods.

PRINCIPLE	CONSIDERATIONS
1. Academic freedom is the right to develop knowledge and ideas *and* **2. Academic freedom is protected by international human rights law**	Is academic freedom clearly **protected in law** and policy (*de jure* protection)? Is it protected in the constitution or legislation? Are any protections clear, **transparent,** and readily available for review? Have such laws been reviewed by judicial authorities? Have such reviews expanded or constrained the scope, protection, or enjoyment of academic freedom? Are the processes for amending laws protecting academic freedom clear and transparent, with adequate time for public consultation and debate? Are the legal protections **consistent with international obligations,** including under ICCPR Art. 18 (thought, conscience, and religious belief) and 19 (opinion and expression), and ICESCR Art. 13 (right to education), 15(1) (right to participate in cultural life and to enjoy the benefits of scientific progress and its applications), and 15(3) (freedom indispensable for scientific research and creative activity)? Are any legal **limitations or restrictions** on academic freedom consistent with international obligations, especially those under ICCPR Art. 19 and ICESCR Art. 4? Is academic freedom adequately **protected in practice** (*de facto* protection)? Is there evidence of education staff and students freely exercising academic freedom? Is there evidence that staff or students practice self-censorship? Is there evidence of education staff or students experiencing threats, intimidation, or retaliation for exercising academic freedom, directly or indirectly, including prosecution, imprisonment, loss of position or expulsion, loss of privileges, or restrictions on movement or association? Has the incidence or severity of any such threats, intimidation, or retaliation increased or decreased? Have threats or retaliations occurring in a prior period, such as prior surveillance, expulsions or imprisonments, created ongoing, *de facto* limits on the enjoyment of academic freedom, even in the absence of new incidents? Is academic freedom respected in times of **war, armed conflict, civil unrest, or emergency**? Are schools, universities, and other educational facilities safe and free from use, occupation, or targeting by military or paramilitary, state or non-state armed groups? Has the State endorsed the Safe Schools Declaration or implemented the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict? Does the State use emergency or national security legislation to criminalize research, teaching, or discourse on political or ideological grounds?
3. Academic freedom requires autonomy of institutions	Do State officials and education leaders respect the **autonomy** of education institutions? Do they ensure the **security and integrity** of education institutions and persons? Is there evidence of militarization, surveillance, or other interference with institutional decision-making? Are laws, policies and practices concerning the recruitment, appointment, tenure and removal of institutional education leaders, oversight boards, and governing councils clear and transparent?

Do they respect the **principle of self-governance?** What are the relative roles of government representatives, staff, and students in governance structures?

Are education institutions or their **leadership sanctioned or threatened** based on the content of academic research, teaching or discourse? (These may include threats by state executive and legislative officials or members of oversight boards and governing councils to remove leadership from office or withhold or reduce budgetary allocations or other resources or privileges.)

Are **staff or students sanctioned or threatened** based on the content of their research, teaching, or discourse? (These may include threats of prosecution, imprisonment, loss of position or privileges, or suspension or expulsion from studies made by state executive and legislative officials, members of oversight boards and governing councils, presidents, rectors, chancellors and vice chancellors, department chairs or deans, directors of centers or programs, or supervisors.)

Are **systems for assessment** of the quality of academic work, including for the purposes of retention and advancement of staff or students, undertaken through fair and transparent processes, by education professionals of similar expertise within the same education community and according to professional and ethical standards of the subject discipline?

Do **systems of financing,** whether public or private, not-for-profit or for-profit, safeguard academic freedom and institutional autonomy from undue influence, pressure, restrictions, or retaliations by sources of financial support, including state ministries and research foundations, private donors and foundations, and commercial or business interests? How stable and predictable is funding? Are the processes for changing education funding or related policies clear and transparent, with adequate time for public consultation and debate? How much do institutions or their leaders control the use of funds, without outside interference? Is research funding allocated by a fair and transparent process?

Are **systems of public accountability** for funds or other privileges entrusted to education institutions, public or private, not-for-profit or for-profit, consistent with institutional autonomy and self-governance? Are such systems excessive or **overly intrusive?** Do they interfere with institutional decision-making? Do they allow actors outside the education sector to control, sanction, or privilege the content of teaching, research or discourse?

Do systems of assessment, financing, and accountability encourage a spirit of collaboration and partnership in the education sector? Do they define **conflicts of interest** and provide for their reporting, public disclosure, and prohibition where appropriate? Do they provide for the **recusal or removal** of conflicted individuals, including any authorities who sanction or threaten education institutions, staff, or students based on the content of research, teaching, or discourse?

Regarding **rules and practices for appointment**, hiring, conditions of work, admissions, promotion, tenure and retention, and expulsion or dismissal of institutional leadership, staff, and students: Are they merit-based, according to clear standards and benchmarks? Are they **free from political or outside interference**, including commercial, religious, or ideological? Are they **free from discrimination (**accepting that measures designed to remedy exclusion or underrepresentation of traditionally marginalized persons or groups shall not be deemed to constitute discrimination)? Are they consistent with principles of **shared-governance**, and developed through processes that are seen as inclusive and democratically legitimate? Are they developed in consultation and dialogue with staff and student unions or other representative bodies?

Are there systems of **tenure or other functional equivalents** in place to provide stability and security in employment over time? Do such systems effectively help safeguard autonomy and academic freedom in practice? Are tenured positions or other functional equivalent declining or increasing relative to employment under fixed-term or term-limited arrangements? Are fixed-term or term-limited arrangements predominant in the sector or in specific segments?

Are rules and practices for determining academic, research, and **teaching content**, **curricula, and materials** free from political or outside interference or discrimination? Are academic, research, and teaching staff able to use their **professional expertise**, commensurate with their qualifications and experience, to judge, select, and deploy teaching materials, aids and methods? Is the share of external or competitive funding for academic activities a majority of funding received by academic institutions? Is it increasing or declining over the recent period?

4. Academic freedom includes intramural and extramural expression

Are academic staff and students free to engage in expression and discourse with persons and groups inside and outside the academic research and teaching sector, without threat or retaliation?

Do laws and policies protecting academic freedom include the freedom to access, disseminate and produce information, think, and develop, express, apply, and engage with a diversity of knowledge related to one's expertise or field of study inside the academic community **("intramural expression")**? Are there requirements for state pre-approval of publications, event programs, or course content on political or ideological grounds? Are there requirements for mandatory political or ideological courses or content? Are there prohibitions, stated or in practice, on research, teaching or discussion of certain topics?

Do laws and policies protecting academic freedom include the freedom to access, disseminate and produce information, think, and develop, express, apply and engage with a diversity of knowledge related to one's expertise or field of study outside the academic community, including with the public **("extramural expression")**? Are leaders, staff, and students free to share with the public the content of research, teaching or discourse developed within the education sector (such as through academic and nonacademic publications, public testimonies, print and online media, radio, television, exhibits, demonstrations and other events)? Have institutions, leaders, staff or students experienced threats, intimidation, or retaliation after sharing research, teaching or discourse with the public?

In the context of extramural expression, do leaders, staff, students or the public receive education or training about **social responsibility** (defined as the duty to exercise and enjoy academic freedom, consistent with the obligation to seek truth and impart information according to ethical and professional standards, and to respond to contemporary problems and needs of all members of society)?

Do state officials or others interfere with public intellectual engagement and academic freedom by propagating, disseminating, or otherwise deliberately supporting **false or misleading information**, including deliberate use of distorted or out of context research, data, evidence, or professional opinions? Do state officials use discourse that **disparages or marginalizes** education institutions, staff or students, eroding their reputation and legitimacy, especially with the public?

5. Academic freedom requires access to information

Do academic staff and students enjoy access to information, sources of information, and the tools, materials, and methods necessary to gather, develop, interpret, and share information and ideas? Is there censorship or evidence of self-censorship? Are staff and students generally free to choose their research topics, without political or ideological interference?

Are **systems for authorization** of access to information archives—whether public or private, not-for-profit or for-profit—including access to national, cultural, or other archives, or similar unique repositories of information and records, necessary, transparent, equitable? Are such systems **overly restrictive**? Are such systems imposed for the purpose of **preserving information**, sources, tools, methods and materials to ensure their long-term availability to academic, research, and teaching staff, students or the public? If not, for which other reason? Are such systems imposed for reasons of **political or outside interference**? Do any such systems provide for the **recusal or removal** of any authority with actual or apparent responsibility over access to information or materials who limits or threatens to limit access for reasons of political or outside interference?

Are **for-profit or commercial systems** for limiting access to information, including through copyright, subscription, fees, or licenses, unduly restrictive or burdensome? Are there any **open access systems** or resources, copyright exemptions for academic purposes, or public benefit exceptions that ease access to information for education staff and students?

Are r**estrictions on access to personal information** of individuals, including personally identifiable health, employment, or financial information or communications, including emails and text messages, clear, transparent, necessary to protect the individual's privacy, and not overly broad or restrictive?

6. Academic freedom requires freedoms of movement and association

Do academic staff and students enjoy freedom of **movement**? Does the State respect and encourage the development of **international contacts and cooperation** among academic, research and teaching staff and students, including through international gatherings, collaborative projects, travel abroad, the use of internet or video-conferencing systems, and supportive visa legislation and policies? Does the State impose restrictions on entry, exit, return after exit, or right to remain, which intentionally punish, deter, or impede research, teaching or discourse of staff and students? Are there requirements for state pre-approval of invitations or travel for conferences or events?

Do academic staff and students enjoy freedom of **association**? Are **staff and student unions** and associations allowed to form and operate without political or outside interference? Is any state support for staff or student unions and associations granted without ideological or other discrimination? Are elections, appointments, or transitions in union leadership transparent and free from institutional, political, or outside interference, surveillance, or intimidation?

7. Academic freedom is essential to all levels of education

Do the State or education leaders provide education or training for staff, students and the public to understand the essential role of academic freedom in **teacher training, pedagogy, teaching materials**, and ongoing research at all levels of education, from early childhood through adult education? Do they impose **requirements or restrictions** on the content of training, pedagogy, or teaching materials, aids or methods, at any level of education, that promote false or misleading information; distorted or out of context research, data, evidence, or professional opinions; discrimination or hatred against individuals or groups; or partisan or political ideologies or propaganda?

Are academic, research, and teaching institutions at all levels **safe and free** from use, occupation, or targeting by military or paramilitary, state or non-state armed groups? Are academic, research, and teaching staff at all levels able to use their **professional expertise** to access, judge, select, and deploy teaching materials, aids and methods? Are they restricted in their exercise of professional expertise due to **discrimination or political or outside interference**, including commercial, religious, or ideological interference? Do they experience **threats, intimidation, or retaliation** for using their professional expertise, including prosecution, imprisonment, loss of position or expulsion, loss of privileges, restrictions on movement or association, or violence? Has the **incidence or severity** of any such threats, intimidation, or retaliation increased or decreased over the last year?

8. Students have the right to academic freedom

Is student academic freedom protected in law and policy (*de jure* protection)? Are students able to enjoy the right to academic freedom in practice, consistent with the evolving nature of their capacities (*de facto* protection)?

Are student unions and associations allowed to form and operate without political or outside interference or discrimination, including by infiltration, surveillance, or the obstruction or distortion of elections, meetings, or activities by these or other means?

Are students or their representatives included in the development of rules and practices, consistent with principles of **shared-governance**, through processes that are seen as inclusive and democratically legitimate?

Are students' rights of expression and protest respected, individually or in groups, on or off-campus? Do students experience threats, intimidation, or retaliation for exercising their right to academic freedom, expression, or protest, including suspensions or expulsions, exclusion from facilities or dormitories, or being subjected to harassment, abuse, excessive force, beatings, arrest, prosecution, and imprisonment? Have the state or institutions imposed undue restrictions on the right of assembly? Has the incidence or severity of any such threats, intimidation, or retaliation against students increased or decreased over the last year?

9. Protection of academic freedom is a shared responsibility

Has the State, including state officials, departments, and agencies, **demonstrated primary responsibility** for the protection, promotion and enjoyment of academic freedom, including by ensuring that academic freedom is adequately protected in law and policy (*de jure* protection) and in practice (*de facto* protection)?

Does the State provide **education or training** on academic freedom for state officials (executive, judicial, and legislative), education leaders, staff, students, or the public?

Has the State been **implicated in attacks** on education or academic freedom, whether directly or through complicit support or toleration of non-state groups or individuals?

Has the State taken affirmative measures to **investigate threats** or attacks on education and academic freedom and to deter future threats or attacks by holding perpetrators accountable under law, consistent with human rights principles?

Does the State **support victims** of threats or attacks on education and academic freedom, including by providing material and financial support for education and training on academic freedom; fellowship or relief schemes for threatened education staff and students; and security support for threatened education institutions and communities?

Does the State encourage discussion of academic freedom issues in its **bilateral and multi-state relations**, including through the UN Human Rights Council and its Special Procedures, UN treaty bodies, UNESCO, and comparable regional human rights and higher education systems?

Have **individuals, groups and associations,** including education systems, institutions, associations, and their management personnel, education professionals and their organizations, students and student organizations, families of students and their associations, business enterprises, religious and cultural bodies, non-state armed groups, political parties and media, among other members of civil society, demonstrated responsibility for academic freedom?

Have any of these been implicated in direct or complicit involvement in attacks on education or academic freedom?

Have any of these demonstrated responsibility for academic freedom through affirmative policies, practices, or programs? Have they developed and published statements of support or values which include academic freedom, autonomy, shared-governance, and social responsibility? Have they developed or participated in **programs to protect academic freedom** from future threats? To support victims of attacks, including those providing security or refuge to threatened education staff and students? To deter future attacks, including by documenting and reporting on incidents and their perpetrators and demanding accountability? To educate their constituencies and the public about the meaning and importance of academic freedom?

Appendix II

Practical Guidance on Implementing the Right to Academic Freedom

Taking into account the above 'Principles for Implementing the Right to Academic Freedom', the following table provides practical guidance which states, education systems, ministries, institutions, staff and student unions could undertake or propose to improve implementation of the right to academic freedom in practice.

PRACTICAL GUIDANCE	PRIMARY PRINCIPLES
1. Education systems, ministries, and institutions must have **statements of values,** including academic freedom and autonomy, that should be made widely available such as through websites, email bulletins, and letters. Such statements should be accompanied by safe and transparent **systems for complaints** about restrictions on academic freedom.	Principle 2a (policies & practices) Principle 3a (self-governance) Principle 3c (accountability) Principle 9 (responsibility)
2. States, education systems and institutions should establish offices or committees empowered to raise academic freedom issues proactively, such as an **academic freedom ombudsperson** or ambassador, and to receive communications of concern, and issue responses and recommendations.	Principle 2a (policies & practices) Principle 3a (self-governance)
3. Education systems, ministries, and institutions should have **affirmative systems for educating** state officials, members of education communities, including academic staff, students, and administrators, and the public about the meaning of academic freedom, its importance to society, threats to academic freedom, and means to protect and promote it. Such systems may include orientation instruction on academic freedom for new leaders, academic staff, and students; professional development programs; public lectures, essays; events; or prizes.	Principle 1 (knowledge and ideas) Principle 2 (human rights law) Principle 3 (autonomy) Principle 4 (expression) Principle 9 (responsibility)
4. **Systems for appointment, retention, and advancement** of leadership, administrators, and academic staff of education institutions must be transparent and demonstrably free from political, ideological or other interference or discrimination. Tenure, contract, or other employment systems must protect members of education communities from retaliation for exercising academic freedom or other rights.	Principle 3d (appointments) Principle 3e (curricula)
5. **Systems of governance** of education systems and institutions must include adequate representation of academic staff and students, through their designated representatives or associations.	Principle 3a (self-governance) Principle 3d (appointments) Principle 3f (unions)
6. **Systems of admission, retention, and advancement of students** must be transparent and demonstrably free from political, ideological or other interference or discrimination, and must recognize the rights, capacities, and agency of students to participate in decision-making.	Principle 3d (appointments) Principle 8 (students)
7. Education systems, ministries, and institutions, along with academic staff and student unions or associations, should be encouraged to conduct, publicize, and debate an **annual academic freedom assessment** to identify strengths and potential threats within their communities.	Principle 2a (policies & practices) Principle 2b (legal standards) Principle 3a-f (autonomy) Principle 4 (expression) Principle 9 (responsibility)

8. **Sources of funding and invitations** must be transparent and publicly available to guard against undue influence over teaching, research, or discourse, and must not be withheld, reduced, or otherwise restricted to punish persons exercising academic freedom or other rights. Conflicts of interests should be prohibited or fully disclosed to the public.	Principle 3c (accountability) Principle 4 (expression)
9. **Visitors to education communities**, including speakers, guest instructors, donors, and observers, must respect campus cultures and practices–consistent with human rights principles–with regard to questions, discussion, and debate. Students and other members of the academic community must likewise respect the academic freedom and freedom of expression of invited speakers and guests with regard to questions, discussion, and debate.	Principle 4 (expression) Principle 9 (responsibility)
10. Educators, students, or other persons engaged in **dialogue, debate, assembly, or protest** within or involving their education communities should act in a manner consistent with and respectful of relevant human rights principles, with regard to dissent and disruption. States, ministries, education institutions and leaders must respect the right of expression and protest and take measures to ensure the right and the safety of persons exercising it.	Principle 3 (autonomy) Principle 4 (expression) Principle 8 (students) Principle 9 (responsibility)
11. States and education leaders must ensure the **security and integrity** of education institutions and persons, while refraining from militarization, surveillance, or other measures which undermine academic freedom and autonomy.	Principle 2 (human rights law) Principle 3 (autonomy) Principle 9 (responsibility)
12. Education systems, ministries, and institutions should develop **guidelines or codes of conduct** that support their ability to adequately monitor the opportunities but also anticipate and safeguard against the risks associated with funding from private actors and partnerships with commercial entities, as well as with international collaborations and partnerships that seek deeper transnational cooperation.	Principle 3 (autonomy) Principle 3c (accountability) Principle 6 (movement) Principle 9 (responsibility)
13. Education systems, ministries, and institutions should develop **schemes of support** for visiting scholars and students from countries with challenging human rights records, as well as for those who engage in areas of research that attract external interference.	Principle 6 (movement) Principle 9 (responsibility)
14. **Systems for authorization of access to information**—whether public or private, not-for-profit or for-profit— must be transparent, equitable, and not overly restrictive.	Principle 5 (information)
15. **Systems for measuring or ranking** education systems or institutions should be transparent, equitable, and should include within their criteria academic freedom, autonomy, and related values.	Principle 1 (knowledge and ideas) Principle 2 (human rights law) Principle 3 (autonomy) Principle 4 (expression) Principle 9 (responsibility)

Working Group on Academic Freedom

Members of the working group include:[5]

Kwadwo Appiagyei-Atua
Professor, School of Law
University of Ghana

Sebastian Berger
Executive Director
Global Student Forum

Lauren Berntsen
Program Advisor
SAIH - The Norwegian Students' and Academics' International Assistance Fund

Mylène Bidault
Human Rights Officer
UN OHCHR

Salvador Herencia-Carrasco
Director, Human Rights Clinic
University of Ottawa

David Kaye
Professor, UC Irvine School of Law
Former UNSR on freedom of opinion and expression

Mikel Mancisidor
Member of the UN Committee on Economic, Social & Cultural Rights (2013-24)
Profesor en la Universidad de Deusto
Adjunct Professor, Washington School of Law, American University

Seteney Shami
Director General
Arab Council for the Social Sciences

Nandini Sundar
Professor, Delhi School of Economics
University of Delhi

Shalini Randeria
Rector and President
Central European University

Frances Vavrus
Professor, University of Minnesota
Member of the Joint ILO-UNESCO CEART

Antonia Wulff
Director of Research, Policy and Advocacy
Education International

Alexandra Xanthaki
Professor, Brunel University Law School, UK
UN Special Rapporteur in the Field of Cultural Rights

Camilla Croso
Coalition for Academic Freedom in the Americas

Lena Naumkina
Open Society Foundations

Marko Grdosic
Open Society Foundations

Robert Quinn
Executive Director
Scholars at Risk

Denise Roche
Advocacy Manager
SAR Europe

Jesse Levine
Senior Advocacy Officer
Scholars at Risk

[5] Institutions for identification purposes only. The views expressed in these Principles do not necessarily reflect the views of individual group members or their institutions.

THESE PRINCIPLES FOR IMPLEMENTING THE RIGHT TO ACADEMIC FREEDOM were prepared by an international working group following a 2020 report of the UN Special Rapporteur on the promotion and protection of academic freedom under international law. These Principles are intended to encourage greater recognition and more effective implementation of the right to academic freedom, and are available in English, Arabic, Chinese, French, Russian, and Spanish for use by UN actors, states, the education sector at all levels, civil society organizations, and the public.

Comments or questions about these Principles or their use may be communicated to the working group by contacting: Scholars at Risk at scholarsatrisk@nyu.edu.